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Attorney for Defendant  
DANIEL SANTIAGO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR-12-0665 RS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	MODIFYING BRIEFING SCHEDULE AND
vs.	)	HEARING DATE RE <i>DAUBERT</i> MOTION
	)	AND EXCLUDING TIME UNDER 18 U.S.C.
DANIEL SANTIAGO,	)	§§3161(h)(7)(A) AND (h)(7)(B)(iv) OF THE
	)	<u>SPEEDY TRIAL ACT</u>
Defendant.	)	
	)	
	)	

The United States of America, by its attorneys, Melinda Haag, United States Attorney for the Northern District of California, and Special Assistant United States Attorneys ("AUSAs") Marc Price Wolf and Arianna Berg, and defendant DANIEL SANTIAGO, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the briefing schedule and the hearing date on the defense *Daubert* motion set on October 18, 2013, be modified as provided herein. The previous schedule required the defendant to file his opening brief on October 28, 2013, the government to file its opposition on November 25, 2013, and the defendant to file his reply on December 6, 2013, with a hearing on the motion to occur on December 17, 2013. Preparation of the motion has taken considerably longer than the defense anticipated and the parties are agreed that a modification

1 of the previous schedule is appropriate. Therefore, the parties stipulate and agree that  
2 the briefing schedule and the hearing date be modified to provide that the defense shall  
3 file its opening brief on November 22, 2013, the government will file its opposition on  
4 December 20, 2013, the defense will file its reply on December 30, 2013, and a hearing  
5 will occur on January 10, 2014, at 2:00 p.m.

6 The defendant is out of custody residing at a halfway house. Given his release  
7 from custody, the defendant is agreeable to a further exclusion of time pursuant to 18  
8 U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) of the Speedy Trial Act from the date of this  
9 Stipulation until the date all pretrial motions in his case are decided.

10 SO STIPULATED

11 DATED: November 13, 2013

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13 MELINDA HAAG  
14 United States Attorney

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16 By: /s/  
17 MARC PRICE WOLF  
Special Assistant United States Attorney

18 SO STIPULATED

19 DATED: November 13, 2013

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21 /s/  
22 PETER GOODMAN  
23 Attorney for Defendant  
DANIEL SANTIAGO

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1                    ORDER MODIFYING BRIEFING SCHEDULE AND HEARING DATE  
2                    FOR *DAUBERT* MOTION AND EXCLUDING TIME PURSUANT TO 18  
3                    U.S.C. §§3161(h)(7)(A) and (h)(7)(B)(iv) OF THE SPEEDY TRIAL ACT

4                    Based on the stipulation of the parties and good cause appearing, IT IS HEREBY  
5 ORDERED that the briefing schedule on the defense *Daubert* motion and the hearing  
6 date on said motion previously set on October 18, , 2013, be modified to provide that:  
7 1) the defense will file its opening brief on November 22, 2013; 2) the government will  
8 file its opposition on December 20, 2013; 3) the defense will file its reply on December  
9 30, 2013; and 4) the hearing on the motion will be held on January 10, 2014, at 2:00  
10 p.m.

11                    Based on the stipulation of the parties and good cause appearing, the Court  
12 finds that time should properly be excluded pursuant to 18 U.S.C. §§3161(h)(7)(A) and  
13 (B)(iv) of the Speedy Trial Act from the date of this Order until all pretrial motions in this  
14 case are decided in the interests of justice and to ensure effective assistance of counsel.

15 DATED: 11/14/13

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18 RICHARD SEEBORG  
19 UNITED STATES DISTRICT COURT JUDGE  
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